

1-1 By: Zaffirini S.B. No. 2298
 1-2 (In the Senate - Filed May 12, 2017; May 15, 2017, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; May 17, 2017, reported favorably, as amended, by the
 1-5 following vote: Yeas 5, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Bettencourt	X			
1-9 Campbell			X	
1-10 Garcia	X			
1-11 Huffines	X			
1-12 Menéndez			X	
1-13 Taylor of Collin	X			

1-15 COMMITTEE AMENDMENT NO. 1 By: Bettencourt

1-16 Amend S.B. No. 2298 (introduced version) by adding the
 1-17 following appropriately numbered SECTION to the bill and
 1-18 renumbering SECTIONS of the bill accordingly:
 1-19 SECTION 2. Section 8475.201, Special District Local Laws
 1-20 Code, is amended to read as follows:
 1-21 Sec. 8475.201. AUTHORITY TO ISSUE BONDS AND OTHER
 1-22 OBLIGATIONS. (a) Except as provided by Subsection (b), the [The]
 1-23 district may issue bonds or other obligations payable wholly or
 1-24 partly from ad valorem taxes, impact fees, revenue, contract
 1-25 payments, grants, or other district money, or any combination of
 1-26 those sources, to pay for any authorized district purpose.
 1-27 (b) The district may not issue bonds payable wholly or
 1-28 partly from assessments.

1-29 A BILL TO BE ENTITLED
 1-30 AN ACT

1-31 relating to the temporary board of and financing of certain
 1-32 facilities and improvements by the LaSalle Municipal Utility
 1-33 District No. 4; providing authority to impose an assessment.
 1-34 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-35 SECTION 1. Sections 8475.052(a) and (b), Special District
 1-36 Local Laws Code, are amended to read as follows:
 1-37 (a) The temporary board consists of:
 1-38 (1) Curby Ohnheiser;
 1-39 (2) Bill Zukaukas;
 1-40 (3) James Hines;
 1-41 (4) Sam Siddons; and
 1-42 (5) Terry Zrubek [On or after the effective date of the
 1-43 Act enacting this chapter, the owner or owners of a majority of the
 1-44 assessed value of the real property in the district may submit a
 1-45 petition to the commission requesting that the commission appoint
 1-46 as temporary directors the five persons named in the petition. The
 1-47 commission shall appoint as temporary directors the five persons
 1-48 named in the petition].
 1-49 (b) Temporary directors serve until the earlier of:
 1-50 (1) the date permanent directors are elected under
 1-51 Section 8475.003; or
 1-52 (2) the fourth anniversary of the effective date of
 1-53 their designation [the Act enacting this chapter].
 1-54 SECTION 2. Chapter 8475, Special District Local Laws Code,
 1-55 is amended by adding Subchapter F to read as follows:
 1-56 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS
 1-57 Sec. 8475.251. PETITION REQUIRED FOR FINANCING
 1-58 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS.
 1-59 (a) Except as provided by this subchapter, the board may finance

2-1 the construction or maintenance of a recreational facility or
2-2 improvement with assessments on property under this subchapter only
2-3 if:

2-4 (1) a written petition requesting that facility or
2-5 improvement has been filed with the board; and

2-6 (2) the board holds a hearing on the proposed
2-7 assessments.

2-8 (b) The petition must be signed by the owners of a majority
2-9 of the assessed value of real property in the district subject to
2-10 assessment according to the most recent certified tax appraisal
2-11 roll for the county.

2-12 Sec. 8475.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND
2-13 MAINTENANCE. An improvement or recreational facility project may
2-14 include the planning, design, construction, improvement, and
2-15 maintenance of:

2-16 (1) landscaping;

2-17 (2) marinas and bridges;

2-18 (3) lighting, banners, and signs;

2-19 (4) hiking and cycling paths or trails;

2-20 (5) sidewalks, pedestrian walkways, skywalks,
2-21 crosswalks, or tunnels;

2-22 (6) ponds, lakes, recreational facilities, or scenic
2-23 areas;

2-24 (7) plazas or pedestrian malls;

2-25 (8) drainage or navigation improvements; or

2-26 (9) solid waste, water, sewer, or power facilities,
2-27 including electrical and gas power facilities.

2-28 Sec. 8475.253. METHOD OF NOTICE FOR HEARING. The district
2-29 shall mail notice of the hearing to each property owner in the
2-30 district who will be subject to the assessment at the current
2-31 address to be assessed as reflected on the tax rolls. The district
2-32 may mail the notice by certified or first class United States mail.
2-33 The board shall determine the method of notice.

2-34 Sec. 8475.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
2-35 assessment or a reassessment imposed under this subchapter by the
2-36 district, penalties and interest on an assessment or reassessment,
2-37 an expense of collection, and reasonable attorney's fees incurred
2-38 by the district:

2-39 (1) are a first and prior lien against the property
2-40 assessed;

2-41 (2) are superior to any other lien or claim other than
2-42 a lien or claim for county, school district, or municipal ad valorem
2-43 taxes; and

2-44 (3) are the personal liability of and a charge against
2-45 the owners of the property even if the owners are not named in the
2-46 assessment proceedings.

2-47 (b) The lien is effective from the date of the board's
2-48 resolution imposing the assessment until the date the assessment is
2-49 paid. The board may enforce the lien in the same manner that the
2-50 board may enforce an ad valorem tax lien against real property.

2-51 (c) The board may make a correction to or deletion from the
2-52 assessment roll that does not increase the amount of assessment of
2-53 any parcel of land without providing notice and holding a hearing in
2-54 the manner required for additional assessments.

2-55 Sec. 8475.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.
2-56 The district may not impose an assessment on the property,
2-57 including the equipment, rights-of-way, facilities, or
2-58 improvements, of:

2-59 (1) an electric utility or a power generation company
2-60 as defined by Section 31.002, Utilities Code;

2-61 (2) a gas utility as defined by Section 101.003 or
2-62 121.001, Utilities Code;

2-63 (3) a telecommunications provider as defined by
2-64 Section 51.002, Utilities Code; or

2-65 (4) a person who provides to the public cable
2-66 television or advanced telecommunications services.

2-67 SECTION 3. Section 2, Chapter 628, Acts of the 83rd
2-68 Legislature, Regular Session, 2013, is amended to read as follows:

2-69 Sec. 2. The LaSalle Municipal Utility District No. 4

3-1 initially includes all the territory contained in the following
3-2 area:
3-3 BEING A 355.7-ACRE [15,494,304 SQUARE FEET] TRACT OF LAND OUT OF THE
3-4 WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS,
3-5 SAID 355.7-ACRE TRACT BEING A PORTION OF SAID 765.035-ACRE TRACT,
3-6 SAID 355.7-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
3-7 AND BOUNDS AS FOLLOWS:
3-8 BEGINNING at a 1/2-inch iron rod with cap marked "BYRN" found in the
3-9 north right-of-way line of State Highway 21, a varying-width
3-10 right-of-way, for the south corner of said 765.035-acre tract, same
3-11 being the east corner of that called 305-acre tract described as
3-12 "Tract 2" in Special Warranty Deed to Cedar Stump Limited
3-13 Partnership, as recorded in Volume 1489, Page 800, H.C.D.R.;
3-14 THENCE leaving said north right-of-way line of State Highway 21,
3-15 with the southwest line of said 765.035-acre tract, same being the
3-16 northeast line of said 305-acre tract, N46°05'07"W, a distance of
3-17 2,948.64 feet to a 1-inch iron rod found for the north corner of
3-18 said 305-acre tract;
3-19 THENCE continuing with the southwest line of said 765.035-acre
3-20 tract, with the northwest line of said 305-acre tract, S43°29'59"W,
3-21 a distance of 1,332.70 feet to the southwest corner of the tract
3-22 described herein;
3-23 THENCE leaving said southwest line of said 765.035-acre tract and
3-24 said northwest line of the 305-acre tract, crossing said
3-25 765.035-acre tract, the following nine (9) courses and distances:
3-26 1) N46°24'34"W, a distance of 3,056.52 feet to an angle
3-27 point,
3-28 2) N44°18'44"E, a distance of 586.71 feet to a point of
3-29 curvature of a tangent circular curve to the right;
3-30 3) with the arc of said curve to the right a distance of
3-31 2,394.53 feet, said curve having a radius of 1654.00, a central
3-32 angle of 82°56'54" and a chord bearing N86°50'23"E, a distance of
3-33 2,190.83 feet to a point of tangency,
3-34 4) S46°24'32"E, a distance of 792.11 feet to an angle point,
3-35 5) N43°35'28"E, a distance of 248.47 feet to a point of
3-36 curvature of a tangent circular curve to the left,
3-37 6) with the arc of said curve to the left a distance of
3-38 595.11 feet, said curve having a radius of 512.00, a central angle
3-39 of 66°35'45" and a chord bearing N10°17'36"E, a distance of 562.17
3-40 feet to a point of tangency,
3-41 7) N24°53'03"W, a distance of 156.83 feet to a point of
3-42 curvature of a tangent circular curve to the right,
3-43 8) with the arc of said curve to the right a distance of
3-44 793.02 feet, said curve having a radius of 632.00, a central angle
3-45 of 71°53'37" and a chord bearing N10°26'48"E, a distance of 742.01
3-46 feet to a point of tangency, and
3-47 9) N43°22'06"E, a distance of 190.43 feet to a point in the
3-48 east line of said 765.035-acre tract, same being said west line of
3-49 the 140.6-acre tract;
3-50 THENCE with said east line of the 765.035-acre tract and the west
3-51 line of the 140.6-acre tract, S46°43'06"E, a distance of 1,334.98
3-52 feet to a 1/2-inch iron rod found for the southwest corner of said
3-53 140.6-acre tract, same being the northwest corner of that called
3-54 82.86-acre tract described as "Tract Two" in General Warranty Deed
3-55 to Robert K. Holdings, L.L.C. as recorded in Volume 5143, Page 808,
3-56 O.P.R.H.C.T.;
3-57 THENCE continuing with said east line of the 765.035-acre tract,
3-58 with the west line of the 82.86-acre tract, S46°36'29"E, a distance
3-59 of 930.53 feet to an iron post found for the southwest corner of
3-60 said 82.86-acre tract, same being the northwest corner of that
3-61 called 82.844-acre tract described in General Warranty Deed to
3-62 Stork Estates, LLC as recorded in Volume 5390, Page 624,
3-63 O.P.R.H.C.T.;
3-64 THENCE continuing with said east line of the 765.035-acre tract,
3-65 with the west line of said 82.844-acre tract, S46°27'06"E, a
3-66 distance of 1,203.82 feet to a 1/2-inch iron rod found for the
3-67 southwest corner of said 82.844-acre tract, same being the
3-68 northwest corner of the remainder of that called 100-acre tract
3-69 described to Fred W. Hoffman, Sr., as recorded in Volume 188, Page

4-1 499, O.P.R.H.C.T.;

4-2 THENCE continuing with said east line of the 765.035-acre tract,
4-3 same being the west line of the remainder the 100-acre tract,
4-4 S46°36'00"E, a distance of 1,031.87 feet to a 5/8-inch iron rod with
4-5 cap marked "HOFFMAN" found in said north right-of-way line of State
4-6 Highway 21, for the east corner of said 765.035-acre tract and the
4-7 east corner of the tract described herein;

4-8 THENCE leaving said east line of the 765.035-acre tract and said
4-9 west line of the remainder the 100-acre tract, with said north
4-10 right-of-way line of State Highway 21 and said south line of the
4-11 765.035-acre tract, the following three (3) courses and distances:

4-12 1) S48°11'06"W, a distance of 178.89 feet to a 1/2-inch iron
4-13 rod with cap marked "BYRN" found for a point of curvature of a
4-14 non-tangent circular curve to the left;

4-15 2) with the arc of said curve to the left a distance of
4-16 830.82 feet, said curve having a radius of 5,779.51 feet, a central
4-17 angle of 8°14'11" and a chord bearing S52°21'11"W, a distance of
4-18 830.10 feet to a broken TxDOT concrete monument found for a point of
4-19 non-tangency, and

4-20 3) S48°11'24"W, a distance of 1,475.12 feet to the POINT OF
4-21 BEGINNING, and containing 355.7 acres [15,494,304 square feet].
4-22 [FIELD NOTE DESCRIPTION OF 535.54 ACRES OF LAND OUT OF THE WILLIAM
4-23 HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A
4-24 PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO
4-25 LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME
4-26 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
4-27 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
4-28 FOLLOWS:

4-29 [BEGINNING at a capped iron rod found (marked "ProTech") in the
4-30 Northwest line of the Old San Antonio Road for the most Easterly
4-31 corner of that certain (811.38 acre) tract of land as conveyed to
4-32 LaSalle Holdings by Special Warranty Deed recorded in Volume 2909
4-33 Page 684 of the Official Public Records of Hays County, Texas, and
4-34 being the most Easterly corner and PLACE OF BEGINNING of the herein
4-35 described tract of land;

4-36 [THENCE with the Southeast line of said LaSalle Holdings (811.38
4-37 acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod
4-38 found (marked "Byrn") at the point of intersection with the curving
4-39 Northwest right-of-way line State Highway No. 21 for an angle
4-40 corner of this tract;

4-41 [THENCE with the Northwest right-of-way line of State Highway No.
4-42 21, the following two (2) courses;

4-43 [1) along a curve to the left with a radius of 5779.51 ft. for
4-44 an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W
4-45 829.80 ft. to a PK nail found in a broken concrete monument for a
4-46 point of tangency;

4-47 [2) S 48 deg. 46' 22" W 1475.74 ft. to a 1/2" iron rod found
4-48 for the most Southerly corner of said LaSalle Holdings (811.38
4-49 acre) tract and for the most Southerly corner of this tract;

4-50 [THENCE leaving the Northwest right-of-way line of State Highway
4-51 No. 21 with a Southerly line of said LaSalle Holdings (811.38 acre)
4-52 tract, the following two (2) courses;

4-53 [1) N 45 deg. 31' 36" W 2950.62 ft.;

4-54 [2) S 44 deg. 02' 00" W 1300.00 ft. to a point for a
4-55 Southwesterly angle corner of this tract;

4-56 [THENCE crossing the interior of said LaSalle Holdings (811.38
4-57 acre) tract with a Southwesterly line of this tract, N 45 deg. 39'
4-58 03" W 4231.53 ft. to a point in the Southeast line of Hays County
4-59 Road No. 158 and in the Northwest line of said LaSalle Holdings
4-60 (811.38 acre) tract and being the most Westerly corner of this
4-61 tract, and from which a 1/2" iron rod found in the Southeast line of
4-62 Hays County Road No. 158 and in the Northwest line of said LaSalle
4-63 Holdings (811.38 acre) tract bears S 43 deg. 26' 25" W 605.66 ft.;

4-64 [THENCE with the Southeast line of Hays County Road No. 158 and with
4-65 the Northwest line of said LaSalle Holdings (811.38 acre) tract,
4-66 the following three (3) courses;

4-67 [1) N 43 deg. 26' 25" E 482.55 ft. to a capped iron rod found
4-68 (marked "Byrn");

4-69 [2) N 43 deg. 23' 06" E 1527.54 ft.;

5-1 ~~[3) N 43 deg. 39' 30" E 1505.40 ft. to a capped iron rod found~~
5-2 ~~(marked "Byrn") for an angle corner of said LaSalle Holdings~~
5-3 ~~(811.38 acre) tract and for the West corner of that certain (1.00~~
5-4 ~~acre) tract of land as conveyed to Drue B. Ewald, et ux, by deed~~
5-5 ~~recorded in Volume 269 Page 202 of the Deed Records of Hays County,~~
5-6 ~~Texas;~~

5-7 ~~[THENCE leaving the Southeast line of Hays County Road No. 158 with~~
5-8 ~~the common line of said LaSalle Holdings (811.38 acre) tract, the~~
5-9 ~~following two (2) courses;~~

5-10 ~~[1) S 44 deg. 58' 54" E 221.56 ft. to a capped iron rod found~~
5-11 ~~(marked "Jones-Carter");~~

5-12 ~~[2) N 43 deg. 24' 04" E 198.54 ft. to a 1/2" iron rod found for~~
5-13 ~~an angle corner of said LaSalle Holdings (811.38 acre) tract and for~~
5-14 ~~the East corner of said Ewald (1.00 acre) tract and being angle~~
5-15 ~~corner of this tract;~~

5-16 ~~[THENCE with the Northeast line of said LaSalle Holdings (811.38~~
5-17 ~~acre) tract, the following three (3) courses;~~

5-18 ~~[1) S 46 deg. 09' 07" E 3771.42 ft.;~~

5-19 ~~[2) S 45 deg. 57' 07" E 2455.99 ft.;~~

5-20 ~~[3) S 46 deg. 02' 10" E 1031.75 ft. to the PLACE OF BEGINNING,~~
5-21 ~~containing 535.54 acres of land.]~~

5-22 SECTION 4. (a) All governmental and proprietary actions of
5-23 the LaSalle Municipal Utility District No. 4 taken before the
5-24 effective date of this Act, including the creation of the district,
5-25 the consent to create the district granted by the City of San
5-26 Marcos, the consent agreement relating to the district and any
5-27 amendments to that agreement, and any extension of time in which to
5-28 hold a confirmation election for the district, are validated,
5-29 ratified, and confirmed in all respects.

5-30 (b) This section does not apply to any matter that on the
5-31 effective date of this Act:

5-32 (1) is involved in litigation if the litigation
5-33 ultimately results in the matter being held invalid by a final court
5-34 judgment; or

5-35 (2) has been held invalid by a final court judgment.

5-36 SECTION 5. (a) The legal notice of the intention to
5-37 introduce this Act, setting forth the general substance of this
5-38 Act, has been published as provided by law, and the notice and a
5-39 copy of this Act have been furnished to all persons, agencies,
5-40 officials, or entities to which they are required to be furnished
5-41 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-42 Government Code.

5-43 (b) The governor, one of the required recipients, has
5-44 submitted the notice and Act to the Texas Commission on
5-45 Environmental Quality.

5-46 (c) The Texas Commission on Environmental Quality has filed
5-47 its recommendations relating to this Act with the governor, the
5-48 lieutenant governor, and the speaker of the house of
5-49 representatives within the required time.

5-50 (d) All requirements of the constitution and laws of this
5-51 state and the rules and procedures of the legislature with respect
5-52 to the notice, introduction, and passage of this Act are fulfilled
5-53 and accomplished.

5-54 SECTION 6. For purposes of Section 8475.052(b)(2), Special
5-55 District Local Laws Code, as amended by this Act, the effective date
5-56 of the temporary directors' designation is the effective date of
5-57 this Act.

5-58 SECTION 7. This Act takes effect immediately if it receives
5-59 a vote of two-thirds of all the members elected to each house, as
5-60 provided by Section 39, Article III, Texas Constitution. If this
5-61 Act does not receive the vote necessary for immediate effect, this
5-62 Act takes effect September 1, 2017.

5-63 * * * * *